

NOBLE LIES: A REEXAMINATION OF HUMAN RIGHTS

An Undergraduate Research Scholars Thesis

by

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ABSTRACT

Noble Lies: A Reexamination of Human Rights

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Literature Review

Plato's *Republic* (c. 380 BC) is the most critical text under examination, offering the idea of the "noble lie" around which this project is built. Seminal political documents which proclaim some form of human rights, including The Declaration of Independence, the Declaration of Rights of Man and Citizen, and the United Nations Declaration of Human Rights are referenced and explored. Samuel Moyn's book *The Last Utopia: Human Rights in History* (2012) and Cary J. Nederman's essay on "Rights" from *The Oxford Handbook of Medieval Philosophy* (2012) provide important background to the notion of human rights and their history. Excerpts from Hannah Arendt's books, *Origins of Totalitarianism* (1958) and *Between Past and Future* (1961), as well as Jenna Reinbold's *Seeing the Myth in Human Rights* (2017) are the basis for the critical evaluation of human rights as a noble made in the final chapter. Finally, various historical sources are discussed throughout in order to explicate key concepts such as human rights and noble lies.

Thesis Statement

Human rights are a Platonic noble lie, and their value and role in society must be reexamined.

Theoretical Framework

The theoretical framework of this essay is political theory and the methods used are those usually employed in the discipline. The purpose of the project is to investigate the possibility that human rights do not exist in the way that they are currently conceived; in other words, that they are a noble lie (as defined by Plato in his *Republic*).

Project Description

Modern civil society is ordered around the, often unconscious, assumption that human rights exist. That is to say, there are certain rights to which all people are entitled simply by virtue of their membership in the human species. In 1789, for instance, the French National Assembly in The Declaration of the Rights of Man proclaimed that it had “determined to set forth in a solemn declaration the natural, unalienable, and sacred rights of man.” Other renowned political charters, including the U.S. Declaration of Independence and the U.N. Universal Declaration of Human Rights, similarly state that there are rights natural and undeniable to all people. Since the revolutions of the Enlightenment era, human rights have been codified in more and more foundational political documents. The bloody history of the last century, however, has been a constant foil to the idea that human beings have any inviolable dignity or rights that can be guaranteed on a global scale.

The apparent tension between human rights in theory and in practice prompts the question: do human rights, in fact exist in any tangible way? Philosopher Hannah Arendt argued that there are no human rights. Describing the plight of minorities in 20th Century Europe, she

writes that “The Rights of Man, supposedly inalienable, proved to be unenforceable—even in countries whose constitutions were based upon them” (*Origins of Totalitarianism* 293). Arendt goes on to argue that rights are not impossible, but that they can be guaranteed only in a political community, not by any universal doctrine. If Arendt’s judgment is correct, and humans are entitled to no certain protections by nature, then it is incumbent upon scholars to reexamine how human rights are understood. All the same, such an investigation will not necessarily lead to the same conclusions as Arendt draws.

If human rights cannot be protected internationally, are they perhaps a noble lie? The concept of a noble lie originates in Plato’s *Republic*. In it the philosopher proposes a complex civil hierarchy based on the fiction that the best citizens, guardians, are fashioned by the gods out of gold, warriors or auxiliaries of silver, and farmers and craftsmen from bronze. It is a myth, but one that, if believed, “would help to make [people] care more for the city and each other” (Plato *Republic* 415d-e). A noble lie, then, is simply a falsehood meant to be accepted for the sake of a stable, harmonious society. Similarly, if human rights do not exist inherently, perhaps it is still better for people to believe and act as if they do. It is possible that the current understanding of human rights must be reconsidered, if it is truly a noble lie.

Human rights, and even noble lies, are widely known and much debated topics. Nevertheless, in weaving together the disparate threads already discussed, an original project emerges: On the assumption that Arendt and thinkers like her are correct, and human rights are not truly enforceable, then the idea of human rights is some kind of falsehood. That being the case, is the concept of human rights a noble lie—something that it is better for society to believe in regardless of its truth—or is it a false idea that is detrimental to society? The answer to this question will be sought through a survey of the philosophy and history surrounding both noble

lies and human rights. Such a project could reveal that current thought on human rights needs adjustment and might suggest what those adjustments should be.

DEDICATION

To my parents, in hopeful anticipation that this has not all been a complete waste of time.

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KEY WORDS

U.N.	United Nations
UDHR	Universal Declaration of Human Rights
CHR	Commission on Human Rights
OHCHR	Office of the High Commissioner on Human Rights
ICJ	International Court of Justice
ICC	International Criminal Court

INTRODUCTION

This essay is intended to be an inquiry into the concept and political reality of human rights as a Platonic “noble lie.” It arises from a realization that the rhetoric surrounding human rights does not match the reality of the human condition. Indeed, this project is built upon the argument that human rights—rights every person is entitled to by virtue of their humanity—do not exist in the manner in which we commonly believe that they do. This is not to deny that any rights exist nor is it a rejection of the possibility of human rights; it is merely a summation of reality, as we shall see.

To make a claim as dramatic as that human rights are a lie, requires some explanation as to what it means for a right to exist. A right, in this discourse at least, is taken to mean an identifiable and justifiable claim *to* something (a positive right) or freedom *from* something (a negative right). A reasonable set of criteria for a right to exist, then, might include: official proclamation and codification of the right by an institution with the authority and ability to do so, clear definition of what constitutes a violation of that right, and a means of redress of grievances for victims when that right is abused. To be “universal,” a right must be held by all members of a given population, and all violators of that right must be dealt with in a similar fashion.

In the context of human rights, the United Nations (U.N.) and its famous Universal Declaration of Human Rights (UDHR), come the closest to meeting these standards. The UDHR is an official proclamation of the U.N. adopted by an overwhelming affirmative vote of its

General Assembly on the 10th of December, 1948¹. The thirty articles that comprise the Declaration are clear and concise, although what constitutes a violation of some of the articles is, at times, ambiguous. Yet, while the International Court of Justice serves as the U.N.'s judicial branch, only member-states may submit cases, leaving no meaningful legal recourse for individuals ("FAQs"). In this respect, the U.N. falls short of successfully upholding human rights on a global scale.

Having asserted the falsity of enforceable, international human rights, I posit no definitive alternative. All that can be offered is a number of stabs in the direction of improvement. A pessimistic onlooker might suggest that, having accepted the falsehood of human rights, the best course of action would be to retreat to the nation-state, where rights have long been preserved without any claim to universality. From a different perspective, human rights possess a mythic legitimacy precisely because they are not legally binding. The answer, then, is to allow the noble lie to persist. However, if one believes a law with global purchase could one day be enforceable, then perhaps the solution is to begin the work of constructing the means to do so, which, as we shall see, is a daunting and difficult task.

In working toward our understanding of human rights as a noble lie, Chapter I explores the nature, origins, and status of human rights through history up to the present day. Chapter II elucidates the idea of a noble lie, commenting on the use of such myths in political history. Finally, Chapter III considers human rights as a noble lie, the ramifications of such a reality, and the challenges it brings, going forward.

¹ The declaration was affirmed without dissent, but with eight abstentions.
<http://www.un.org/en/sections/universal-declaration/history-document/index.html>

CHAPTER I

ON HUMAN RIGHTS

“The true history of human rights matters most of all, then, in order to confront their prospects today and in the future.”

- Samuel Moyn, *The Last Utopia* (9)

Before more thoroughly explicating the concept of human rights as a noble lie, it is crucial to understand what we mean by “human rights.” I take up this challenge in this chapter in an attempt to explain what human rights are by definition, where they came from, and what they mean today.

What are human rights?

There are, of course, different kinds of rights. Perhaps the most explicit rights are those we have because of our membership in groups. For instance, I have rights as an American citizen, as a student at Texas A&M, and as an employee of a state institution. Each of these memberships entitles me to certain things: the ability to vote as a citizen, the opportunity to attend classes as a student, and the right to pay as an employee, respectively. Beyond these positive rights, that is, rights *to* things, I have negative rights—rights *from* things. As an American, for example, I cannot be prohibited from the free exercise of the religion of my choice. These rights, especially those based on societal membership, could be called legal rights.

Some might argue that there also exist a set of rights we would call natural. If one is attacked in an alley, it is taken for granted that one has a right to fight back. Few people would be disposed to consider, in the moment, whether they have such a right, but rather forcefully exercise it without thought. In other words, natural rights might be called rights that all

individuals are entitled to irrespective of any formal legal entitlement. In general, these are rights inhering from one's power over the self and one's external goods. In other words, everyone has the right to protect oneself and one's property by nature, regardless of whether the laws of one's state permit it.

Further still, one could contend that there are rights all humans possess in virtue of their humanity. That is to say, I have certain rights that transcend my citizenship, and certainly my status as a student and employee. Moreover, these rights are not particular to me alone, but belong to all people for no other reason than that they, too, are human beings. Today, likely the most famous examples are those described in the United Nations' Universal Declaration of Human Rights, among which is the well known Article 3, "Everyone has the right to life, liberty and security of person" (UDHR). My right to life has nothing to do with my particularities, but rather my commonality with all other *homo sapiens*.

In *The Oxford Handbook of Medieval Philosophy* (2012), in a chapter entitled "Rights," Cary J. Nederman presents a concise definition of all three types of rights, which are applicable beyond the medieval period. Of particular interest to us is his definition of human rights which he describes as "... one that pertains to a person, regardless of circumstance (nationality, class, religion) or physical condition (race, gender, age, disability), on the basis of a fundamental and absolute dignity inhering in humanity" (Nederman 644). He goes on to summarize the characteristics of human rights, which Samuel Moyn presents in his 2010 book, *The Last Utopia: Human Rights in History*. So pithy is Nederman's synopsis of Moyn, that it is worth quoting at length:

First, a human right is entirely general, in the sense that it does not depend upon legal, political, religious, cultural, or institutional factors in order to stake a claim

on its respect . . . Second, a human right must be specifiable in a positive and definite sense—it involves a right ‘to’ something, say a basic income or clean drinking water, in addition to formal assurance of freedom ‘from’ external domination. Third, human rights place a moral obligation on every person towards his or her fellows to defend and uphold those rights wherever and whenever they are violated; human rights, therefore, have an international, indeed a global, purchase, demanding the extension of duties beyond sovereign borders. (Nederman 644)

It is against this standard of transcendent cosmopolitanism, specificity, and moral obligation that I will measure all human rights-claims I discuss.

A caveat

The foregoing section might leave a reader wondering what the difference between natural and human rights amounts to. I would say very little. Both natural and human rights are built upon the notion that humans have certain characteristics which entitle them to certain rights, regardless of nation, religion, and circumstance. Consider the following sentence: “[H]uman beings possess a set of powers, freedoms, and/or competencies to the extent that they enjoy complete and exclusive dominion over their mental and bodily faculties” (Nederman 644). Out of context, it is impossible to say whether the later refers to natural or human rights. In fact, it refers to natural ones. Yet consider again the language of Article 3 of the UDHR, “Everyone has the right to life, liberty and security of person.” As part of the Universal Declaration of Human Rights, it clearly refers to human rights, even though the guarantees of life and property are traditionally considered natural rights.

I would argue that the difference is subtle and largely semantic. Natural rights are typically based on religion and are concerned chiefly with the right to protect oneself and one's property. Human rights offer basically the same guarantees, but couched in secular terms as an attempt to broaden their scope. Rather than God-given, human rights are based on fundamental human "dignity." Seeing no substantive difference between the two, my following account of the development of human rights may well conflate the evolution of natural and human rights. More on this later.

The origins of human rights

Just as the issue of human rights itself, the question of their origin is unsettled. In *The Last Utopia*, Moyn argues that the concept of human rights had no real purchase until the late 20th century. As he writes, "The drama of human rights . . . is that they emerged in the 1970s seemingly from nowhere" (Moyn 3). This is an apparently hyperbolic presentation of his own relatively simple argument that human rights are a new concept.

It would be wrong to suggest that Moyn claims human rights appeared *ex nihilo*. In fact, he gives an excellent, if skeptical, account of their development, the essence of which may be recapitulated in the following way: Originating in the universalisms of Greek philosophy, expanded by Stoic cosmopolitanism and Christian humanism, and codified and explicated in the soaring political declarations of the Enlightenment,² human rights finally became official in 1948 with the publication of the UDHR (Moyn 14-27). Moyn, however, is doubtful that the maturation of human rights deserves the linear quality often ascribed to them by modern historians (5-6).

² Moyn refers specifically to the United States Declaration of Independence, the French Declaration of the Rights of Man, and the Virginia Declaration of Rights (24).

Against such whitewashing he asserts that “Human rights entered history as a throwaway line, not a well-considered idea” (Moyn 51).

On the contrary, in his essay on medieval rights, Nederman asserts that:

Whereas Moyn and others believe that the doctrine of human rights arises only in the late twentieth century, there are inklings of such a view already during the Middle Ages, rooted in a Stoic-inflected but essentially Ciceronian conception of a unitary humanity that binds all people to respect a fundamental principle of justice. (652)

Here, Nederman might be falling into the trap of what Moyn calls attempting “. . . to assume that the trickle of melted snow in the mountains is the source of all the water in a great downstream flood, when, in fact, the flood depends on new sources when the river swells” (41-42).

Nevertheless, he offers helpful insight into the origins of human rights.

Antiquity and the Medieval Period

Nederman discusses two medieval thinkers in particular: Marsilius of Padua (c. 1275-c. 1342) and Bartolomé de Las Casas (c. 1484-1566), both of whom, as he says, provide some inkling of human rights. In his *Defensor pacis* (1324), Marsilius argues for a universal sense of justice that emphasizes the individual’s duty to refrain from doing harm and the necessity of protecting others from it as well (Nederman 655). Notice that this standard is entirely general. It implies a negative right to be free from harm and a positive right to defend oneself, and it imposes a moral obligation on one to defend others whenever necessary. In other words, it unwittingly comports with our definition of human rights. Similarly, in his defense of Native Americans against forced Christian conversion tactics, Las Casas asserts that all human beings possess a capacity for reason which endows them with a certain human dignity (Nederman 557).

While neither of these thinkers proclaim human rights exactly as we think of them, they do anticipate the universality and moral obligation associated with them.

As Nederman points out, both Marsilius and Las Casas draw upon the works of the Roman statesmen and philosopher Cicero (106-43 BC), especially his work *De Officiis* written in 44 BC. The debt they owe to Cicero is clear from his definition of justice alone, which is “that no one do harm to another, unless provoked by injury; the next [demand of justice], that one use common possessions as common, private, as belonging to their owners” (I.VII). Likewise, he writes that injustice consists of both inflicting injury and failing to prevent its infliction (Cicero I.VII). Marsilius’ idea of justice can clearly be seen here, as he, too, emphasizes the moral duty to do no harm and prevent others from doing harm also.

Similarly, the origin of Las Casas’ concept of reason can be found in *De Officiis* when Cicero discusses the principles of men in nature. “The first of these principles,” he writes, “is that which is seen in the social union of the entire race of man. Its bond is reason as expressed in language, which by teaching, learning, imparting, discussing, deciding, conciliates mutual regard, and unites men by a certain natural fellowship” (Cicero I.XVI). Because men have reason and are capable of communicating through its use, they are fundamentally united. It is this mutual regard and natural fellowship that leads Las Casas to proclaim man dignified.

The significance of Cicero and his intellectual successors is their discernment of the human character. Certainly, they were not the first to argue that man possessed qualities unlike other animals. They were, however, visionary in their perception that all people have qualities that transcend tribe, city, and nation (i.e., speech and reason). Cicero does not define justice for the Romans only; he defines it for all human beings. Marsilius and Las Casas simply extend his argument, applying it to peoples Cicero could not have imagined. While rights continued to be

framed by one's citizenship for hundreds of years to come, the idea of transcendent human qualities was planted.

The Enlightenment

The next epoch in the history of human rights is a more familiar one: the Enlightenment. Whereas Cicero is obscure, the sentence "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness," is famous (Declaration of Independence, 1776). Perhaps equally renowned is the French Declaration of the Rights of Man (1789) which proclaims that "Men are born and remain free and equal in rights." What these two documents share is a universalism and a commitment to immutable, irreducible rights. Notice that they speak not just of the rights of Englishmen or Frenchmen, but of man, or humanity, in general. Furthermore, both make clear that rights do not come from the state. For the Americans, it is God; for the French, a "Supreme Being." Therefore, it is the duty of the state to comport with the rights of man. If it should contradict those rights, the people are entitled to revolt.

While the future statements of human rights would echo the universal language expressed in these declarations, it is important to remember that these documents were thoroughly national in scope. The Declaration of Independence was born of a revolt of British colonies against its King, the Rights of Man of a civil revolution within France. As Moyn describes, "Unlike later human rights," the rights of man, "were deeply bound up with the construction, through revolution if necessary, of state and nation" (20). The Americans and the French were dedicated not to remaking the world, but to reforming their own countries. This should not be especially surprising, for rights were always bound up with the state. Whatever rights one possessed stemmed from one's national membership alone. Nonetheless, these declarations represented a

pivotal moment in that they proclaimed a source of legitimacy for their national rights that was itself not in the nation. Instead they came from nature or God.

The Modern Era

For the next one and a half centuries rights continued to be an essentially national issue. As Moyn recalls, “[T]hroughout the period before World War II, battles at home were enormously more likely to involve invocations of individual rights, precisely because—unlike calls for ‘humanity’ abroad and minority protection in backward states—they were able to take for granted an existing space of inclusive citizenship in which such claims could be given meaning” (33). It was only the global nature of the Second World War that forced individual nations to recognize the intimately connected world modern technology had enabled. No longer could the world be seen as merely discrete countries. The fires of a world-wide war had unwittingly forged a new order. That order would be, at least ideally, characterized by a new international institution, the United Nations.

The formation of the U.N. is critical to our inquiry because the modern concept of human rights is inexorably tied to that institution and its Universal Declaration of Human Rights. The U.N. itself came into being on the 26th of June, 1945 with the signing of its charter (“Charter of the United Nations”), two months before the conclusion of the Second World War. Its purpose, as established in Article 1 of the charter, is essentially to bring about and maintain international peace and to establish an international legal code. Among those broader aims, Section 3 of Article 1 specifically declares one of its purposes to be “promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.” In fulfillment of that role, the U.N. Commission on Human Rights (CHR) was founded in 1946 and began drafting the UDHR. The final version of the declaration which

emerged from the commission represents the first, and thus far only, standard of human rights that meets our definition. It is entirely general, in that its scope is universal, transcending any national, cultural, or religious distinctions. It contains both positive rights, such as Article 15 (“Everyone has the right to a nationality”) and negative ones, including Article 9 (“No one shall be subjected to arbitrary arrest, detention or exile”) (UDHR). Finally, the language of the preamble and Article 30³ clearly imply a moral obligation of states and even individuals to uphold the Declaration’s enumerated rights.

Despite the monumental achievement of its passage, the UDHR did not spark an instantaneous surge of interest in human rights. As Moyn writes, “[T]he mystery of the 1940s is not why human rights emerged, but—given future developments—why they *failed* to do so” (68). He gives two broad justifications for this failure: first, that the CHR was permitted no investigatory or enforcement power, making the Declaration largely symbolic; second, that the Declaration “solved no problems” (Moyn 68, 72). What he means by the second point is that in the historical context of the struggle between capitalist and communist ideology, the UDHR “could not determine the choice between a welfarist [what the West was pursuing] and a communist scheme” (73). Due to its seeming irrelevance to the wider ideological contest of the day, human rights were largely ignored.

It was not until the 1970s, Moyn argues, that human rights burst onto the world stage (3). Specifically, he singles out 1977 as “The year of human rights” (Moyn 155). This title is owed to 1977 largely because of President Jimmy Carter, who stated in his January 20th inaugural address that “Our commitment to human rights must be absolute” (“Inaugural Address of President

³ “Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein” (UDHR).

Jimmy Carter”). With the support of an American president, human rights finally gained traction as a movement. For his part, Carter met with Russian dissidents and delivered a major speech on human rights in May of 1977 (Moyn 239). Other significant events included the founding of Charter 77, a dissident document and movement decrying human rights violations in Czechoslovakia, and the awarding of the Nobel Peace Prize to Amnesty International, a well-known human rights advocacy group (“Declaration of Charter 77,” Moyn 239). The words “human rights” also appeared in the *New York Times* approximately five times more than in any previous year (Moyn 4). At last, “human rights” had entered the popular vernacular.

A further caveat

The preceding historical overview of the development of human rights is in no way meant to be exhaustive. Rather, its purpose is to provide the reader with a sense of the vital moments in such rights’ evolution. What I have endeavored to demonstrate is that the concept of universal human qualities appeared millennia ago, followed by a newfound commitment, during the Enlightenment, to natural rights transcendent of state authority, and concluding with the UDHR as the definitive event in the progress of human rights. In doing so, I have omitted countless events, but a wealth of more detailed rights literature is available to the interested reader.⁴

Having relied on Moyn’s work in *The Last Utopia*, it is also necessary to consider a complaint he would undoubtedly register. As noted earlier, Moyn forcefully argues against the narrative of a linear development of human rights. While he acknowledges the significance of the events described above, he, nevertheless, challenges the notion that these were episodes along a progressive and inexorable upward path to our modern conception of human rights.

⁴ *A Documentary History of Human Rights* by Jon E. Lewis and *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* by Johannes Morsink are excellent sources.

“[H]istorians,” he writes, “have been loathe to regard [human rights] as only one appealing ideology among others. Instead, they have used history to confirm their inevitable rise rather than register the choices that were made and the accidents that happen” (Moyn 5). His point is well taken. Granted, the events described here and elsewhere did not *necessitate* the rise of human rights. However, I would argue that while their development was by no means assured, without the aforementioned events, the fruition of human rights could not have occurred. For that reason, this history is worth the consideration that has been afforded them.

However valuable defining human rights and exploring notable epochs in their evolution might be, such an exercise fails to provide a clear idea of the significance of human rights today. It is to that task that we now turn.

The UDHR: What human rights mean today

In style and prose, the UDHR is markedly similar to the Enlightenment-era documents previously discussed. This, Johannes Morsink claims, is by design (*Human Rights* 281-282). The framers of the UDHR, he writes, were uniquely aware of their role as the creators of the next epoch in rights, and they explicitly drew upon the “classical declarations of the eighteenth century,” in crafting their own (Morsink 281). In the style of such documents, it is aspirational in its proclamation of inherent human dignity, the necessity of fair treatment, and the freedoms of belief and action. Finally, just as natural rights were not seen as granted by the state, the rights of the UDHR do not come from the declaration itself or even from the U.N. Rather, “these rights have an independent grounding in the members of the human family to whom they belong and who possess them as birthrights” (Morsink 320). Perhaps it is there that the similarities between the revolutionary declarations and the UDHR end.

The UDHR is eponymously universal, but it is also truly universal in a way that the American and French declarations were not (i.e., it applies to all people regardless of nationality). It allows for no exceptions. And as Morsink points out, “while the majority” of the framers “saw the rights as grounded in human nature—they did not think that the rights in the Declaration were attached to any particular characteristic or set of characteristics” (283). In fact, beyond “reason and conscience,” no other attempt to enunciate the source behind humanity’s dignity is made. Humans possess rights simply because they are human.

Most important, the rights of the UDHR are moral rights. The appeal to “act towards one another in a spirit of brotherhood” because one has reason and conscience is a moral plea (UDHR). Moreover, throughout the Declaration there is an implied, and occasionally explicit, call to protect the rights of others.⁵ Put another way, it imposes moral duties upon all people. Ultimately, the rights of the UDHR are moral because they are largely about a good way, but not the only way, to live. For instance, a right to paid holidays or to enjoy the arts is perhaps objectively good for one’s life, but is clearly unnecessary to basic survival. In other words, human rights are moral rights because they are about the good life, the right way to live, and not simply about survival.

It is towards this issue of moral rights that Moyn ultimately directs the thesis of his book, which is that the utopia of *The Last Utopia* is human rights. Moyn’s overarching argument throughout *The Last Utopia* is that human rights became popular in the 1970s because the aspiration to such rights became a moral ideal, replacing older utopian visions. Chief among those outdated utopias was the nation-state, which the Second World War had proven bankrupt and which the collapse of colonialism confirmed. Nevertheless, Moyn attributes the delayed rise

⁵ See Article 29, UDHR.

in the popularity of human rights to a lack of international interest at the time of their founding. As he writes, “Because they were born at a time when they survived as a moral utopia when political utopias died, human rights were compelled to define the goodlife and offer a plan for brining it about precisely when they were ill-equipped by the fact of their suprapolitical birth to do so” (Moyn 214). But as the postwar years wore on, people sought a new utopia that would not disappoint them in the manner their former political ones had. “Born of the yearning to transcend politics,” he argues, “human rights have become the core language of a new politics of humanity that has sapped the energy from old ideological contests of left and right” (Moyn 227). The meaning of contemporary human rights, then, is that they represent a moral utopia—an attempt to transcend not just the state, but politics altogether. As to the wisdom and workability of such an attempt, we return in the final chapter.

CHAPTER II

ON NOBLE LIES

“I simply mean that to be false to one’s soul about the things that are, to be ignorant and to have and hold falsehood there, is what everyone would least of all accept, for everyone hates a falsehood in that place most of all.”

- Plato, *Republic* (382b)

Having reflected on human rights through history, our next undertaking is to consider noble lies. The idea of a noble lie originates in Plato’s *Republic* (c. 380 BC). Therefore, to understand the context of the noble lie is to understand the *Republic* itself. It is to that task which we first direct our attention. Next, we will examine the specific context of the noble lie within the *Republic* before concluding with a discussion of noble lies through history.

Plato’s *Republic*

If human rights may be considered the last utopia, then the *Republic* of Plato must be considered the first. The *Republic* is a narrative dialogue in which Socrates and his interlocutors—mainly, Thrasymachus, Glaucon, and Adeimantus—debate the idea of justice. In articulating his own notion of it, Socrates leads his colleagues through the construction of a just city and an exploration of how the structure of such a place would be mirrored in the soul of a just individual. From the outset, then, Socrates’ is a thoroughly utopian project, for he seeks to uncover perfect justice in the city and in man.

The Allegory of the Cave

Although the *Republic* is a seemingly political work, it is also, and perhaps more importantly, a metaphysical one. To truly make sense of the definition of justice at which

Socrates eventually arrives, it is essential to first understand his Theory of the Forms as summarized in the famous Allegory of the Cave (Plato 514-517). In this thought experiment, humanity is represented as a group of people who are chained to the floor of a cave, facing its interior. Behind the prisoners burns a fire, and between them and the flames walk other individuals carrying objects, which can be seen by the cave-dwellers only as shadows. Yet, having known nothing else, the prisoners believe the shadows to be the objects themselves. If, however, one of the prisoners were freed, he would turn and see the true objects for the first time. Afterwards, if he were led out of the cave into the light of day, he would be blinded by the sun which “is the source of the seasons and the years, and is the steward of all things in the visible place, and is in a certain way the cause of all those things he and his companions and had been seeing” (Plato 516b-c).

In this illustration, the sun represents the Form of the Good, which might also be called the True, the Beautiful, or as the Neo-Platonist Plotinus (204-270 AD) would later call it, the One. Within this Realm of Being there are forms of every object and quality. Therefore, there is the form of the cat, the form of the tree, and the form of justice, among a multitude of others. Each of these is eternal and transcendent because they surpass all particular instances of objects or qualities. And, as noted in the quotation above, the forms are the cause of all things. Within the world of human perception, or the Realm of Becoming, there are particular instantiations of the forms. There are, for instance, particular cats and trees of all shapes and sizes. Likewise, there are particular instances of justice such as the just city and the just person. While each of these things derives its character from the forms, they are radically different, for particular objects are imperfect and transient—merely flickering shadow—whereas the forms are unchanging.

Justice

Given this metaphysical structure, the definition of justice that Socrates finally reaches is more intelligible. Justice, at least in the city (or *polis*), is “the minding of one’s own business and not being a busybody” (Plato 433b). In other words, because every object and quality is animated by one of the forms, everything has a particular function. Justice is realized when that purpose is fulfilled, because it is in a thing’s proper functioning that it comes closest to the form itself, which is the Good. Understandably, some, such as the noted translator Allan Bloom, find this definition disappointing. “Indeed,” he writes, “when defined as each man doing his job or minding his own business, justice adds nothing to the city that is not accomplished by the other three virtues” of moderation, courage, and wisdom (Bloom 374). Even Socrates admits that, “after having considered moderation, courage, and prudence, [justice] is what’s left over in the city” (Plato 433b-c).

Though this definition of justice is uninspiring, it is, nevertheless, of absolute importance for Socrates. Nonetheless, it is critical not to read his definition too broadly, for the philosopher readily admits that a carpenter becoming a shoemaker or vice versa poses no great harm to the *polis* (Plato 434b). Socrates is not concerned about individuals changing from one craft to another within their class. However, a carpenter or shoemaker attempting to become a guardian (a ruler) of the city or a guardian abandoning his or her responsibilities to be a farmer (i.e., changing one’s station entirely) would be disastrous. As he says, “Meddling among the classes, of which there are three, and exchange with one another is the greatest harm for the city and would most correctly be called extreme evil-doing” (Plato 434c). The left-over virtue of justice, then, would seem to be principally a matter of stability.

The noble lie

It is within this context—that is, of social stability for the sake of justice—that Socrates introduces the idea of the noble lie. In describing the just city, Socrates divides the people into three classes, as mentioned above. The money-makers or producers are the lowest and largest class, encompassing farming, craftsmanship, and all commercial enterprises. The second class are the auxiliaries (or warriors), who are trained to defend the city. Third are the guardians, the smallest class, chosen from among the auxiliaries to rule as philosophers (Plato 412d). As any reader of the *Republic* will know, Socrates devotes an extraordinary amount of attention to the rigorous education and training of the guardian class.⁶ Given all the power the guardians would wield, it is a tremendously difficult process to become one—so onerous, in fact, that Adeimantus wonders aloud if anyone would consent to such an undertaking (Plato 419-420). So it is, in part, for the purpose of bestowing a feeling of inescapability upon the class system that Socrates proposes his famous noble lie. He wishes not only to prevent social climbing from the lower classes into the guardian one, but also to implant a sense of loyalty and devotion toward the city in the guardians themselves.

Excursus: The Myth of the Metals

Having proposed a strict system of class divisions for the just city, Socrates is compelled to explain how order, and therefore justice, would be maintained. He addresses this

⁶ A guardian's education, as described in Books VII and VIII, is not complete until age fifty. From infancy to the age of eighteen, would-be guardians receive a basic academic and physical education. Two years are then spent in military training. At age twenty the guardians begin ten years of education in mathematics, followed by five years of rhetorical or dialectical instruction. For the following fifteen years, guardians use their time trying to lead people out of the metaphoric "cave" of ignorance described earlier. In other words, they live as philosophers. Afterwards, now in late middle age, a guardian is fully matured, possessing a complete understanding of the good and the forms and ready to lead in times of war or peace (540e). After his or her time of service, a guardian may retire to the Isles of the Blessed.

problem to Glaucon by way of a notorious legend, the Myth of the Metals. Due to its centrality not only to the *Republic* but to our present investigation, it is worth quoting at length. Socrates begins his account by asking,

“Could we . . . somehow contrive one of those lies that come into being in case of need, of which we were just now speaking,⁷ some one noble lie to persuade, in the best case, even the rulers, but if not them, the rest of the city?”

“What sort of a thing?” he said.

“Nothing new,” I said, “but a Phoenician thing, which has already happened in many places before, as the poets assert and have caused others to believe, but one that has not happened in our time—and I don’t know if it could—one that requires a great deal of persuasion . . .

“I shall speak—and yet, I don’t know what I’ll use for daring or speeches in telling it—and I’ll attempt to persuade first the rulers and the soldiers, then the rest of the city, that the rearing and education we gave them were like dreams; they only thought they were undergoing all that was happening to them, while, in truth, at that time they were under the earth within, being fashioned and reared themselves, and their arms and other tools being crafted. When the job had been completely finished, the earth, which is their mother, sent them up. And now, as though the land they were in were a mother and nurse, they must plan for and defend it, if anyone attacks, and they must think of the other citizens as brothers and born of the earth.”

⁷ Useful falsehoods are discussed at 382c-d.

“It wasn’t,” he said, “for nothing that you were for so long ashamed to tell the lie.”

“It was indeed appropriate,” I said. “All the same, hear out the rest of the tale. ‘All of you in the city are certainly brothers,’ we shall say to them in telling the tale, ‘but the god, in fashioning those of you who are competent to rule, mixed gold in at their birth; this is why they are most honored; in auxiliaries, silver; and iron and bronze in the farmers and other craftsmen. So, because you’re all related, although for the most part you’ll produce offspring like yourselves, it sometimes happens that a silver child will be born from a gold parent, a golden child from a silver parent, and similarly all the others from each other. Hence the god commands the rulers first and foremost to be of nothing such good guardians and to keep over nothing so careful a watch as the children, seeing which of these metals is mixed in their souls. And, if a child of theirs should be born with an admixture of bronze or iron, by no manner of means are they to take pity on it, but shall assign the proper value to its nature and thrust it out among the craftsmen or the farmers; and again, if from these men one should naturally grow who has an admixture of gold or silver, they will honor such ones and leading them up, some to the guardian group, others to the auxiliary, believing that there is an oracle that the city will be destroyed when an iron or bronze man is its guardian.’ So, have you some device for persuading them of this tale?”

“None at all,” he said, “for these men themselves; however for their sons and their successors and the rest of the human beings who come afterwards.”

“Well, even that would be good for making them care more for the city and one another,” I said. (Plato 414b-415e)

Interpreting the Noble Lie

Proceeding from the above passage, the noble lie may be seen as consisting of two fundamental parts. The first attempts to dissemble the highly organized character of Socrates’ *polis* by branding its order “natural.” In particular, he does this by asserting that each person is not so much born as made. As Bloom puts it, under this lie, “[T]he citizens grow into their political roles as acorns grow into oaks. Each might have wondered why he should be devoted to his particular specialty to the exclusion of all others; but now they see that the equipment of their arts belong to them in the same way their bodies do” (366). The goal of the first part, then, is to engender loyalty to the city by showing that their bodies and skills are created by nature. This is strengthened by a caveat that Bloom’s own intellectual mentor, Leo Strauss, raises in *The City and Man* (1964). That is, while the noble lie “demands that the citizens regard themselves as children of one and the same mother and nurse, the earth, and hence as brothers . . . the fraternity of all human beings,” nevertheless, “is to be replaced by the fraternity of all fellow citizens” (102). Socrates, that is to say, is not attempting to account for the origin of all humankind, but of the city, again to encourage dedication to it.

The second aspect of the lie is the invocation of a creating “god” to justify the inherent inequality of the system while maintaining the possibility of social mobility. As Strauss writes, “[T]he inequality is traced to god. If the god is the cause of all good things (380c8-9), inequality would seem to be a good thing” (102). Thus, having enhanced it with divine sanction, the lie lends “the hierarchy solidity while at the same time presenting men with a rationale designed to overcome their primitive inclination to value themselves at least as highly as their neighbors”

(Bloom 367). Using god as a justification, then, the lie supposedly becomes more palatable, for it is easier to accept one's inferiority if it is divinely intended.

Yet Socrates knows that "gold" parents will not always give birth to gold children, bronze not always to bronze. To circumvent the ability of this natural inequality to undermine his system, he is forced to include the possibility that "it sometimes happens that a silver child will be born from a gold parent," and so on (Plato 415b). While this allows for the possibility of god-sanctioned class mobility, it is not as though someone may rise by effort and good works to a higher class. If someone were elevated to the golden class of the guardians, it would be because he or she had always been made of gold and it was simply overlooked. Likewise, if a guardian should prove to be incompetent and was, therefore, lowered to auxiliary or even craftsmen, it would be said he or she had possessed a bronze or silver soul all along, unbeknownst to the true guardians.

The nobility of the noble lie

While the falsity of this tale is clear, it remains to be explained why it is noble. The most Socratic answer is that it promotes justice. For if justice truly consists of performing one's proper function and not interfering with any other's, then this "metallic" hierarchy would be effective. Towards the end of creating a just city, it is also useful. For example, in Book II, Socrates wonders, if by "likening [a] lie to the truth as best we can, don't we also make it useful?" (Plato 382d). Adeimantus replies that such near-truth lies would indeed be of use.

Perhaps a more satisfying answer can be found in the work of Edmund Burke, who, in "An Appeal from the New to the Old Whigs" (1791), writes that "Political problems do not primarily concern truth or falsehood. They relate to good or evil. What in the result is likely to produce evil, is politically false: that which is productive of good, politically true" (163). Such an

idea accords with Socrates' remarkably well, because justice and its promotion for him are unquestionably good. Under such a reading, the noble lie would actually cease to be a lie per se, for politically it would be true. Undoubtedly, this is what Bloom intends when he says that, "The thoughtful observer will find that the noble lie is a political expression of truths which it itself leads him to consider" (367). While one might reasonably disagree with his definition of justice, if one accepted it, the lie Socrates crafts would, in fact, be noble.

To be explicit, the political truth in this instance concerns inequality. The false part of the noble lie is that inequality is divinely intended. Therefore, the truth must be that inequality is not a creation of god, but something else altogether. For Socrates, it would seem that intellectual, social, and political inequality is simply a natural aspect of the *polis*. Hence, while the primary virtue of the noble lie is that it promotes justice because it promotes order, it is also noble in the sense that it elevates the citizen's experience. Imagine, for a moment, oneself as an ancient Athenian craftsman or farmer. Would one be happier thinking advancement impossible due to the arbitrary circumstances of one's birth or believing that Mother Earth made you herself with the godly intention that you be just as you are? It would seem one would prefer to see a godly hand at work, if possible. Notice that this noble lie would "be good for making [citizens] care more for the city and one another," because it would abate class-conscious envy (Plato 415e). But it would also encourage people to discern purpose in their own work, thus helping them to see their connection to the forms and the One itself in addition to the city. In that sense, the noble lie is edifying because it allows individuals to feel transcendent of their station even as they embrace it.

Noble lies in history

Although Socrates (i.e., Plato) might have been the first philosopher to enunciate the concept, noble lies are a recurrent feature of human history, as a brief survey of several exemplary cases will demonstrate.

Antiquity: Patricians versus Plebeians

The historian Livy recalls one such example in his *History of Rome* (27-9 BC), in describing the founding of the patrician class:

Now that he was satisfied with Rome's strength, Romulus prepared to add deliberation to strength. He appointed a hundred senators, either because that number was sufficient or because there were only a hundred men who could be made senators. They were called "fathers" (*patres*) because of their rank, and their descendants were called "patricians." (1.8)

In this case, the lie comes from the apocryphal origin story of Romulus. Moreover, there is nothing inherently superior about the first *patres* of the city nor is there any indication that their lineage would be exceptional either. Yet the patrician class came to be an absolute, hereditary aristocracy with exclusive political power, religious privileges, and social prestige from c. 600 to 366 BC (Scullard, *History of the Roman World* 422). In addition, someone born into the majority, non-patrician class (the plebeians) could never become a patrician; it was a designation purely of birth.

This scenario accords well with the concept of a noble lie for a number of reasons. First, it is a lie because nothing about the original *patres* made them superior. Second, despite its falsity it hints at a truth: in this case, that societies do exhibit inequality whether natural or contrived. Third, it is an instrument of social control as it clearly delineates the rulers from the

ruled with an air of immutability. Overall, this was a highly successful noble lie for even when the plebeians sued for greater self-governance and political equality they never, as far as is known, challenged the legitimacy of the patrician origin story.

The Enlightenment: Burke's illusory drapes

Another historical example of a noble lie comes down from a scholar we have already discussed in support of the concept, Edmund Burke. In response to the pro-revolutionary sermon, “A Discourse on the Love of our Country” (1789), by Richard Price (1723-1791), Burke wrote his famous *Reflections on the Revolution in France* (1790) against the Revolution and in favor of the French aristocracy, monarchy, and church. Lamenting the treatment that Marie Antoinette endured in the course of the Revolution, he writes the following:

But the age of chivalry is gone. That of sophisters, economists; and calculators has succeeded; and the glory of Europe is extinguished forever. Never, never more shall we behold that generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart which kept alive, even in servitude itself, the spirit of an exalted freedom. The unbought grace of life, the cheap defense of nations, the nurse of manly sentiment and heroic enterprise, is gone! It is gone, that sensibility of principle, that chastity of honor which felt a stain like a wound, which inspired courage whilst it mitigated ferocity, which ennobled whatever it touched, and under which vice itself lost half its evil by losing all its grossness. (Burke 63)

Loyalty to the monarch and respect for its corresponding rank is obviously paramount for Burke. Notice how the phrase “proud submission, that dignified obedience” suggests there is nobility in

recognizing one's station in life, even if it is a lower one. Thus it is already clear that, like Plato, Burke accepts and praises inequality as ennobling.

He continues on chivalry, saying:

Without force or opposition, it subdued the fierceness of pride and power, it obliged sovereigns to submit to the soft collar of social esteem, compelled stern authority to submit to elegance, and gave a domination, vanquisher of laws, to be subdued by manners.

But now all is to be changed. All the pleasing illusions which made power gentle and obedience liberal, which harmonized the different shades of life, and which, by a bland assimilation, incorporated into politics the sentiments which beautify and soften private society, are to be dissolved by this new conquering empire of light and reason. All the decent drapery of life is to be rudely torn off. All the super-added ideas, furnished from the wardrobe of a moral imagination, which the heart owns and the understanding ratifies as necessary to cover the defects of our naked, shivering nature, and to raise it to dignity in our own estimation, are to be exploded as a ridiculous, absurd, and antiquated fashion.

(Burke 64)

Here, Burke makes clear his self-awareness as a purveyor of a noble lie with terms like “pleasing illusion” and “decent drapery of life.” In the stillness of the mind we all know the chivalric class-consciousness he promotes is but illusory. Of course, Louis XVI was but a man and Marie Antoinette but a woman. But under this new “empire of light and reason” they must not only be recognized, but also treated as such; in other words, with equality. Yet without the warming drapery of respect for one's place, “the defects of our naked, shivering nature” will leave us cold.

Burke's noble lie, then, is to say that man should accept inequality as an honorable distinction, again like Socrates, for the sake of a stable society even if that inequality is illusory. And as he notes in the excerpt above, this stability is for all classes, not just the lower ones. Chivalry and respect for rank and tradition are meant to "make power gentle" and to soften the "stern authority" of the ruling elite as much as to subdue the less powerful. Even if the necessity he ascribes to aristocracy is a lie, Burke might argue it is real in effect because inequality of some kind will always exist. If, however, all people are forced by the new regime of reason to recognize the arbitrary nature of aristocratic distinction, then society will be forced into animal equality and collapse.

The Modern: Propaganda

Given the distance between Burke's philosophy and the modern, generally egalitarian, mindset, it is worthwhile examining a noble lie closer to the present day, particularly World War II-era propaganda. In the 72 years since its conclusion, the Second World War has garnered, in the public conscious, the character of a moral crusade fought against an unequivocally evil Axis. This conception, however, overlooks the history of the United States' entrance into the conflict. As Anthony Rhodes documents in his *Propaganda* (1976), convincing the American people that supporting the Allies was necessary required no small effort on the part of President Roosevelt (137-177). Of the difficulties of using propaganda in the United States, Rhodes writes:

Although in wartime internal conflicts are most damaging, in the democracies they cannot be suppressed. All democratic propagandists can hope is to persuade people that for the duration of the war it is best not to exercise their inalienable rights—the right to grumble, to reject conscription, to be pacifists or

conscientious objectors, the right to hate blacks, Catholics, Jews, the right to grow flowers instead of potatoes in the back garden.

Propaganda is also more difficult to organize in democratic countries, because lies can be more easily exposed than in dictatorships. The big lie cannot be continually repeated or it will become ludicrous and have the reverse effect.

Therefore the attitude adopted by the propaganda department which President Roosevelt set up in 1940 (naturally not under that name) was that it must always retain the essence of truth in what it said. It could embroider the truth, but there must be some truth to embroider. (143-144)

The elements of the noble lie, now familiar to us, are clearly extant here. In an attempt to gain support for the war effort and discourage dissent from the government line, Roosevelt and his administration encouraged Americans to act as if they no longer held certain rights which they, constitutionally, still did. An obvious lie, but one propagated for purposes of social control. As with all the noble lies previously considered, it was also intended to reflect a truth: that the Axis Powers were the enemy and the war must be entered.

Micro-level noble lies

Naturally, noble lies are not necessarily confined to national or international politics. In all likelihood they are a part of one's daily life. Consider, for instance, the apocryphal stories adults tell to children to influence their behavior. For example, the Aesop fable, "The Boy Who Cried Wolf," which warns children, ironically, to tell the truth lest they always be disbelieved. When a parent relates this parable to his or her child, the intention is not to recount the facts of an actual event, rather the point is to impress a moral lesson upon them. In this sense, the story is a lie, but a noble one because it not only encourages good behavior but also imparts a deeper

truth: the importance of veracity. Doubtless this is what Socrates means when he says, “Don’t you understand that we first tell stories to children? These are false, on the whole, though they have some truth in them” (377).

CHAPTER III

HUMAN RIGHTS AS A NOBLE LIE

“The decisive difference between the ‘infinite improbabilities’ on which the reality of our earthly life rests and the miraculous character inherent in those events which establish historical reality is that, in the realm of human affairs, we know the author of the ‘miracles.’ It is men who perform them—men who because they have received the twofold gift of freedom and action can establish a reality of their own.”

- Hannah Arendt, *Between Past and Future* (169)

At last we have reached the final act: to consider human rights as a noble lie. After making that case, we will consider a number of possible responses to such a lie.

How human rights lie

It is best, perhaps, to begin with a clarification of what it means to be a noble lie. What each instance of noble lies considered in the previous chapter have in common is, first of all, a falsehood: the gods cast you from metal determining your class, a demi-god (Romulus) made certain people fathers of Rome forever, the nobility are more than men, you do not have rights while we are at war, never lie or harm will befall you. In other words, they each make a claim about the world that is demonstrably false. All the same, these lies hold some kernel of truth. Plato, the Romans, and Burke were concerned with societal inequality, a phenomenon that persists today. So while their accounts of the reasons for inequality are fallacious, the phenomenon they discuss is all too real. Likewise, the American propagandists of the 1940s identified a genuine issue: too much public dissent in a time of war handicaps a nation’s ability

to act. And as Aesop recognized, trustworthiness is an essential quality. Third, they all point to some supposedly greater good: to justice, to stability, to peace with one's station, to effectiveness, and to veracity. Fourth, they are all concerned with control whether it be of a whole society (Plato, the Romans, Burke, the propagandists) or of individual behavior (Aesop). Finally, they are each meant to be believed. Recall the passage from which the noble lie comes. It begins, "Could we . . . somehow contrive one of those lies that come into being in case of need, of which we were just now speaking, some one noble lie to persuade, in the best case, even the rulers, but if not them, the rest of the city?" (Plato, *Republic* 414b). The effectiveness of the noble lie, in fact, relies on this aspect of belief, for without it the illusion dissolves.

An argument for human rights as a falsehood

How well human rights fit the criteria of a noble lie remains to be considered. To establish that human rights are false means that they must be shown to misrepresent reality in some way. I propose to give a twofold argument in support of the conclusion that what is supposed to be true of human rights fails to describe reality, thus constituting a falsehood.

In Chapter I, we defined human rights as entirely general, specifiable, and morally obligatory.⁸ The UDHR certainly meets these requirements as a document, even if examples of individuals or nations failing to acquiesce to its moral obligations can be given. That is to say, violations of a right do not alone amount to evidence of that right's non-existence. Rather, human rights prove to be false for another reason: they fail to meet the criteria for a right to exist outlined in the introduction to this piece,⁹ which included a clear definition of what constitutes a violation of a human right, a means of redress of violations, and universality (entailing that violators must be dealt with similarly). Human rights as they stand today, do not meet the criteria

⁸ See page 11-12.

⁹ See page 8.

of accessibility for redress of grievances and universal prosecution or punishment of violators. To make such a claim, however, requires a brief overview of human rights institutions.

To report a human rights violation to the U.N., an individual must first complete a formal complaint through the Office of the High Commissioner on the Council of Human Rights (OHCHR). If the complaint successfully passes through four stages of review, including through the Working Group on Situations which meets only twice a year, then the Human Rights Council (HRC) can, at most, “recommend to OHCHR to provide technical cooperation, capacity building assistance or advisory services to the State concerned” (“Human Rights Complaint Procedure FAQs”). In addition, the International Court of Justice (ICJ), the judicial wing of the U.N., cannot hear cases brought by individuals. Only member-states of the court can bring briefs against other members (“FAQs”). Finally, the International Criminal Court, which is not a U.N. organ but is closely allied with it, may hear cases brought by individuals involving genocide and crimes against humanity, but has no means of making arrests or enforcing its decisions (“How the court works”). In other words, there is no legal enforcement of human rights on the international level. Most cases of human rights must be dealt with in-country. While this is not to say anything against the effectiveness or fairness of national courts, this situation clearly undermines the notion of human rights as transcendent of national sovereignty. Indeed, human rights appear to be entirely beholden to it.

This is the unfortunate lie of human rights, which is that such rights—rights which should exist wherever humans are present—are unenforceable on the international level. That is to say, they do not transcend the state. The depth of this problem is perhaps clearer if we recall the criteria of human rights Moyn and Nederman gave us. “First,” Nederman writes, “a human right is entirely general, in the sense that it does not depend upon legal, political, religious, cultural or

institutional factors in order to stake a claim on its respect; its bearer does not need to be a citizen or subject of a particular state or a member of some other group” (644). Yet as we have just seen, it is all too often absolutely necessary to be a “citizen or subject of a particular state” to have one’s human rights respected. We have, then, found our falsehood.

Arendt’s Origins

A reader familiar with Hannah Arendt’s *Origins of Totalitarianism* (1951) will recognize the above argument, for it is essentially hers. Writing in the aftermath of the Second World War, Arendt traces the genesis of a new ideology, totalitarianism, that invaded every aspect of life on the way to world domination. In making her case, she gives a particularly apt account of the perplexities of human rights, famously writing that, “The Rights of Man, supposedly inalienable, proved to unenforceable—even in countries whose constitutions were based upon them—whenever people appeared who were no longer citizens of any sovereign state” (Arendt *Origins* 293). Her argument, simply put, is that when minorities in Europe, particularly Jews, found themselves expelled from the state in which they had lived they were effectually denied all rights, even human ones. The tragedy is that they not only lost their homes, but the opportunity to find new ones. For “[t]he calamity of the rightless,” she says, “is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion—but that they no longer belong to any community whatsoever” (Arendt *Origins* 295). In other words, the loss of citizen rights entails the loss of human rights. While there are, supposedly, more international guarantors of human rights now than there were in Arendt’s day, we see that their relatively toothless enforcement ability leaves Arendt’s point standing. Rights, human or otherwise, are nearly exclusive to the state.

What remains

Returning to our previous discussion, it is simple enough to see how human rights fit the remaining criteria for a noble lie. The second requirement was that despite its falsity, the idea in question must point toward some deeper truth. In this instance, human rights are a call to conscience, a plea, to treat one another better as inherently dignified and valuable members of the human family. The greater good human rights seeks to advance is a better world; a world in which the human experience is elevated beyond its current state. Nevertheless, the necessity of control endures. For human rights to be effective, regimes and individuals must be compelled to respect them. Otherwise, human rights would remain an illusive dream. Finally, human rights, like other noble lies, are meant to be believed. The UDHR does not present itself as an optional set of values, but as a vital proclamation of human dignity that demands the observance of each and every person. Yet it is surely the case that any mature person is aware that human dignity can be denied. The events of the 20th Century in Europe alone should be more than enough to demonstrate that. All the same, the UDHR implores us to live as if the dignity and value of the person are immutable. It calls humankind to believe in its own transcendence.

What to make of a noble lie

Having now made a case for human rights as a noble lie, it is incumbent on us to explore what to do with this newfound knowledge. There are at least three possibilities.

An Arendtian retreat

The first is what might be called an Arendtian retreat. That is, in light of the fact that human rights have no real global purchase, the best course is to turn back to a system of communities where rights can be upheld. I cannot say with certainty that Arendt would approve of such a scheme. Nevertheless, there are hints within *Origins* and *Between Past and Future*

(1961) that suggest she would. In a chapter of *Between Past and Future* entitled “What is Freedom?” she writes that, “Without a politically guaranteed public realm, freedom lacks the worldly space to make its appearance” (Arendt 147). First, one must understand that Arendt has a specific, and essentially Aristotelian, conception of freedom. To be free, on her account, is to enter the space of politics (a space in which one may be seen and heard) and act. Freedom is not a quality or a principle, it is an action: “Men *are* free—as distinguished from their possessing the gift for freedom—as long as they act, neither before nor after; for to *be* free and to act are the same” (Arendt *Beyond* 151). So we begin to see how vital the political realm is to freedom, and the loss of such a realm, as described in *Origins*, becomes all the more tragic. For to lose the space of politics is for people to lose their humanity.

Given this situation, an Arendtian response to the crisis of human rights, namely that they are a noble lie, might very well be to reduce the world to communities where a “politically guaranteed public realm” may come into existence for every person. In other words, Arendt suggests that we should abandon human rights in favor of human freedom. Such a world might look quite similar to ours today, but with the exception that people would recognize that “the *raison d’être* of politics is freedom” and, in consequence, that freedom does not begin where politics ends, but quite the opposite (Arendt *Beyond* 149). It would be a world where the fragility of rights is truly understood, and where no attempt is made to assert their global transcendence.

Reinbold’s continuance

A second, and radically different, approach comes from Jenna Reinbold’s *Seeing the Myth in Human Rights* (2017). In that work, Reinbold readily admits that the status of the UDHR is legally ineffectual, but takes the interesting position that it is all the more valuable and commanding for that. She writes that “even as the Declaration [the UDHR] ultimately remains a

nonbinding and unenforceable prelude to the numerous official conventions that now define the landscape of human rights law, this document is nevertheless recognized by many theorists as a text commanding a moral and political authority” (Reinbold x). Suspecting that it would have little legal authority, she argues that the framers of the UDHR intentionally couched the Declaration in mythic language that would assert, rather than justify, its legitimacy.¹⁰ And, she suggests, this approach has worked rather well, for today “the mere charge of human rights violations . . . has the power of to cow political leaders and rile the international community” (Reinbold 2). Moreover, the idea that human rights are created, not natural, is un-alarming to Reinbold. Of course, they are made, given they represent “nothing more nor less than the consolidation of humankind’s shared values” (Reinbold 122).

This being the case, it seems that if we presented Reinbold with the idea of human rights as noble lie, she would raise no objection to it. In fact, a Reinboldian response to human rights as a noble lie would likely be to accept it and encourage the strengthening of the myth. Allowing it to grow, would promote what she calls a “cosmopolitan consciousness.” She means by this that, “When we conceive of humans as universally sacred—not sacred by virtue of particular qualities or criteria but sacred by virtue of the dignity we all possess through no powers of our own—a world emerges in which it becomes impossible *not* to feel moral obligation toward all others” (Reinbold 86). As the noble lie continues to grow unconsciously in the human mind, Reinbold suggests this will slowly unmake the idea that rights are inextricably intertwined with the state. Through this process of decoupling rights from the state, veneration and respect will expand around “a declaration that predicates its tenets upon a secular, universal human reality that it

¹⁰ See Reinbold, *Seeing the Myth* page 29.

brings into existence through no other means than by alleging to recognize this reality” (Reinbold 130). As far Reinbold is concerned, let the noble lie persist.

Human rights as legal rights

If the first two possibilities seem unsatisfactory, then perhaps there is a third potential response, which is to unmake the lie. That is to say, if human rights are a noble lie in large part because they make a false claim about the world, why not try to bring reality into conformance with the myth? To clarify, the “lie” of the noble lie about human rights is the assertion that they possess a transcendent, and necessarily, international authority which they simply do not have. To unmake the lie, then, would mean to furnish human rights with the global scope they currently lack.

In practice, unmaking the noble lie would mean making human rights into global legal rights. Undoubtedly, this would be a herculean task requiring world-wide policing and adjudication capabilities. It would entail broad international agreement and, often, it would mean crossing sovereign borders to enforce human rights laws, at least sometimes against the consent of national governments. Furthermore, if the criteria of human rights is to be taken as stated, then small groups or individuals would also have the right, even the duty, to cross any border to defend the human rights of their fellows. Given the stakes and the inevitability of conflict, this approach demands complete commitment to those rights deemed entirely human in their scope. To reiterate, some degree of agreement as to an objective standard of human rights would be required on a global scale. The sheer unlikelihood of such an event seems so insurmountable as to almost reduce this scenario to fantasy. Nevertheless, it represents at least one theoretical option.

The difficulty ahead

At this juncture I must admit an ulterior motive in presenting the previous possibility: to illustrate the difficulty of adherence to human rights. For as unlikely as it seems, does it not represent the ideal of human rights? Recall once more the criteria of human rights presented in the first chapter. The third stipulation was that “human rights place a moral obligation on every person towards his or her fellows to defend and uphold those rights wherever and whenever they are violated; human rights, therefore, have an international, indeed a global, purchase, demanding the extension of duties beyond sovereign borders” (Nederman 644). It is untenable to both hold this to be a necessity of human rights and to object to the third scenario. In other words, we are forced either to cede human rights as objects of wishful thinking or face some difficult, ignoble truths about them. This is not to despair of human rights, though, no more than Socrates despaired of finding justice when he said, ““The place really appears to be hard going and steeped in shadows . . . At least it’s dark and hard to search out. But, all the same, we’ve got to go on”” (Plato *Republic* 432c). It is merely our turn to work through the shadows.

Towards an objective standard

As acknowledged earlier, if one is not content to either return to human rights as citizen rights, or simply wait for them to gain an ever-greater mythical authority, then we are obliged to explore the possibility of transforming human rights into truly universal legal rights. This would require the establishment of an objective standard as to what those rights are. Now one might reasonably say that the UDHR is already adequate to that role. But I suspect that, upon close examination, one would understand my reluctance to agree. Take, for example, Article 24, which reads: “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay” (UDHR). Consider, also Article 26, which

enumerates the right to a free but compulsory elementary education. Finally, reflect on Article 29, which says that, “Everyone has duties to the community in which alone the free and full development of his personality is possible” (UDHR). It would seem that any reasonable person would agree that employment benefits, education, and community participation are important aspects of life. They are not, however, essential to human survival. And to raise these, admittedly important, aspirations to the level of universal human rights when child sex-trafficking persists and political regimes slaughter their own civilians, seems practically farcical. This is all to say, if the nations of the world are to commit to enforcing human rights wherever and whenever violated, a smaller, more rudimentary set of rights is necessary. Otherwise, nations must ready themselves to march on their neighbors in defense of paid holidays.

Similarly, committing to an objective standards of human rights, necessarily includes committing to a shared idea of what constitutes not only the good life, but right and wrong itself. If “[e]veryone has the right to life, liberty and security of person,” is execution of criminals permissible (UDHR)? Is abortion? Will cultural groups who practice arranged or child marriages be forced to cease in accordance with Article 16? Likewise, will societies that systematically discriminate against certain groups, perhaps women, in terms of pay, be coerced into changing their ways (Article 23)? These are difficult questions which delve into the world of metaphysical commitments, but they are raised precisely because they must be answered. If they are not, then we must admit that rights are relative and not objective.

The foregoing difficulties are highlighted not for dramatic affect, but because they are exactly the kinds of problems that must be worked through if there is any chance for human rights to gain a more significant meaning than they possess today. If such a commitment cannot even be made in theory, then there is even less chance of it in practice. These questions are born

of a profound desire to see the human experience raised beyond its current state. As to the answer, that is left to world leaders and individual readers to find.

CONCLUSION

The foregoing essay consists, mainly, of an argument as to the value of human rights. I have argued throughout, but particularly in Chapter III, that they represent a noble lie as defined by Plato in his *Republic* and as explicated through historical examples.

Chapter I was an attempt to answer the question, what are human rights? The answer, in short, was that human rights are entirely general in scope, specifiable, and morally obligatory for all human beings. Moreover, they have a long history which we traced in epochs from antiquity to the modern day. Finally, we considered what human rights mean today as the last utopia.

Chapter II was an explanation of noble lies. It included an analysis of the passage from the *Republic* where the concept of a noble lie originates. The chapter concluded with a discussion of noble lies through history.

In Chapter III we put the ideas together, asking if human rights were in fact a noble lie. Having accepted an affirmative argument, we concluded with three potential ways to move forward given the status of human rights as a noble lie. Now, as John Stuart Mill once wrote, “Whether the doctrine is true must . . . be left to the judgment of the thoughtful reader” (28).

WORKS CITED

“About Us.” *United Nations Human Rights Office of the High Commissioner*. N.p., n.d. Web.

Arendt, Hannah. *Beyond Past and Future*. 2006th ed. New York, New York: Penguin Classics, 1961. Print.

Arendt, Hannah. *Origins of Totalitarianism*. Orlando, Florida: Harcourt, 1951. Print.

Burke, Edmund. “An Appeal from the New to the Old Whigs.” *Further Reflections on the Revolution in France*. Ed. Daniel Ritchie. Indianapolis: Liberty Fund, 1992. Print.

Burke, Edmund. *Reflections on the Revolution in France*. N.p., 1790. Web.

Carter, James. “Inaugural Address of President Jimmy Carter.” *Jimmy Carter Presidential Library and Museum*. N.p., 1977. Web.

“Charter of the United Nations.” 24 Oct. 1945. Web.

Cicero, Marcus Tullius. *De Officiis*. Trans. Andrew P. Peabody. Boston: Little, Brown, and Co., 1887. Web.

“Declaration of Charter 77.” Education. *Making the History of 1989*. N.p., n.d. Web.

“Declaration of the Rights of Man.” 1789. Web.

“Frequently Asked Questions.” *International Court of Justice*. N.p., 12–16 Dec. 2016. Web.

“How the Court Works.” *International Criminal Court*. N.p., n.d. Web.

“Human Rights Council Complaint Procedure: Frequently Asked Questions.” *United Nations Human Rights Office of the High Commissioner*. N.p., n.d. Web.

Livy. *The History of Rome: Books 1-5*. Trans. Valerie Warrior M. Indianapolis: Hackett Publishing Company, Inc., 2006. Print.

Moyn, Samuel. *The Last Utopia: Human Rights in History*. Belknap Press of Harvard University Press, 2012.

Nederman, Cary. “Chapter 30: Rights.” *The Oxford Handbook of Medieval Philosophy*. Ed. John Marenbon. Oxford University Press, 2012. 643–659. Print.

Plato. *The Republic of Plato: Translated with Notes, An Interpretive Essay, and a New Introduction*. Trans. Allan Bloom. Second. Basic Books, 1968. Print.

Reinbold, Jenna. *Seeing the Myth in Human Rights*. Philadelphia: University of Pennsylvania Press, 2017. Print.

Rhodes, Anthony. *Propaganda: The Art of Persuasion: World War II*. Ed. Victor Margolin. Chelsea House Publishers, 1976. Print.

Scullard, H.H. *A History of the Roman World: 753 to 146 BC*. Fourth. New York: Routledge, 1980. Print.

Strauss, Leo. *The City and Man*. Chicago: The University of Chicago Press, 1964. Print.

“Universal Declaration of Human Rights.” 10 Dec. 1948. Web.

“United States Declaration of Independence.” 1776. Web.

Mill, John Stuart. *Utilitarianism*. Ed. Jonathan Bennett. 2008 ed. Early Modern Texts. 1861. Web.